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UNITED STATES DISTRICT COURT

DISTRICT OF NEVADA

UNITED STATES OF AMERICA,)	Case No.: 2:17-mj-574-GWF
)	
Plaintiff,)	
)	
vs.)	<u>STIPULATION TO CONTINUE</u>
)	<u>PRELIMINARY HEARING</u>
)	(9 th Request)
BRIAN FLOYD,)	
)	
Defendant.)	
)	

IT IS HEREBY STIPULATED AND AGREED by and between Dayle Elieson, United States Attorney and Phillip N. Smith, Jr., Assistant United States Attorney, counsel for the United States of America and Mace J. Yampolsky, counsel for Brian Floyd, that the preliminary hearing currently scheduled for April 30, 2018 at the hour of 4:00 p.m., be vacated and continued for no less than thirty (30) days.

This Stipulation is entered into for the following reasons:

1. On January 22, 2018, Defendant Floyd appeared before the Court in order to enter a guilty plea, pursuant to a Guilty Plea Agreement.
2. During that hearing, and based on the Court's observations, the Court, on its own motion, ordered a mental competency evaluation.
3. The parties are awaiting the Court's decision on the Defendant's competency.
4. Defendant is incarcerated and does not object to a continuance.

1 5. Additionally, denial of this request for continuance could result in a miscarriage of
2 justice.

3 6. This is the ninth request for a continuance filed herein.

4 7. The additional time requested by this stipulation is excludable in computing the time
5 within which the Defendant must be indicted and the trial herein must commence
6 pursuant to the Speedy Trial Act, 18 U.S.C. §§ 3161(b), 3161(h)(4), and 3161(h)(7)(A),
7 considering the factors under 18 U.S.C. § 3161(h)(7)(B)(i) and (iv).

8 DATED this 30th day of April, 2018.

9 MACE J. YAMPOLSKY, LTD.

DAYLE ELIESON, United States Attorney

10 /s/ Mace J. Yampolsky, Esq.

/s/ Phillip N. Smith, Jr.

11 MACE J. YAMPOLSKY, ESQ.

PHILLIP N. SMITH, JR.

12 Attorney for Defendant Brian Floyd

Assistant United States Attorney

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4 **UNITED STATES DISTRICT COURT**
5 **DISTRICT OF NEVADA**

6 UNITED STATES OF AMERICA,) Case No.: 2:17-mj-574-GWF
7)
8 Plaintiff,)
9) **ORDER**
10 vs.)
11 BRIAN FLOYD,)
12)
13 Defendant.)
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Based on the Stipulation of counsel and good cause appearing;

IT IS THEREFORE ORDERED that the preliminary hearing scheduled for April 30, 2018 at the hour of 4:00 p.m. is hereby vacated, and continued until the 6th day of June, 2018, at the hour of 4:00 pm.

The additional time requested by this stipulation is excludable in computing the time within which the Defendant must be indicted and the trial herein must commence pursuant to the Speedy Trial Act, 18 U.S.C. §§ 3161(b), 3161(h)(4), and 3161(h)(7)(A), considering the factors under 18 U.S.C. § 3161(h)(7)(B)(i) and (iv).

DATED this 30th day April, 2018.


UNITED STATES MAGISTRATE JUDGE